

Amendment

09/341,109

**REMARKS**

Claims 138-274 were pending in the application with claims 138-179 rejected for the reasons discussed below and claims 180-274 being withdrawn.

The Examiner rejected claims 156-179 under 35 USC 112, second paragraph, as being indefinite. Claims 156 and 168 have been amended to provide proper antecedent basis for the term "brake pressure". Also, the Examiner indicated that it is unclear if the "signal" characterizing brake pressure is the same as the first signal. Applicants respectfully that it is clear that "a signal" is distinct from "a first signal". Therefore, Applicants respectfully submit that the rejection should be withdrawn.

The Examiner rejected claims 138 and 147 as being anticipated by Fritz (U.S. Patent No. 6,098,007), while claims 139-146 and 148-155 were rejected as being non-patentable over Fritz in view of Hatori et al. (U.S. Patent No. 5,532,929) It is submitted that the claims are patentable over the cited references for at least the following reasons.

Independent claim 138 is drawn to a method for controlling a motor vehicle having an absolute speed of the motor vehicle, additional motor vehicle state variables, and one or more external variable determined. Several intermediate acceleration values are determined from the motor vehicle state variables and external state variables. A longitudinal acceleration is determined based on the intermediate acceleration values and the motor is controlled based on the determined longitudinal acceleration. Support for the amended claim is found on page 6 of the specification.

It is submitted that none of the cited references teach, suggest or disclose, either alone or in combination, the embodiment recited in claim 138. For example, Fritz fails to disclose or suggest determining a longitudinal acceleration based on intermediate acceleration values that are determined based on determined motor vehicle state variables and external variables.

## Amendment

09/341,109

Fritz discloses (see Fig. 1 and Fig. 5) a control device and method for controlling the motor of a motor vehicle based upon a speed of the motor vehicle, state variables of the motor vehicle, and a desired longitudinal acceleration of the vehicle. However, Fritz does not disclose determining one or more external variable and using an external variable to control the motor.

Therefore, Fritz fails to teach or suggest the method of claim 138. For example, Fritz does not teach or suggest using external variables to control a motor of a motor vehicle.

Hatori et al. discloses a system and method for controlling a motor of a motor vehicle based upon deviations between an actual acceleration and an acceleration requested by a driver. However, Hatori et al. fails to disclose or suggest controlling the motor based upon motor vehicle state variables and external variables.

Therefore, Hatori et al. fails to teach or suggest the position transmitting unit of claim 138. For example, Hatori et al. does not teach or suggest using external variables to control a motor of a motor vehicle. Furthermore, the combination of Fritz in view of Hatori et al. fails to disclose or suggest the claimed method because neither reference, either alone or in combination, discloses all of the claimed elements.

The Applicants respectfully submit that claim 138 is patentable over the cited references. Claims 139-146 and 156-167 depend from claim 138 and therefore are submitted to be patentable over the prior art for at least the same reasons and for the further features recited therein.

Independent claim 147 is drawn to a device for controlling a motor vehicle including device(s) for determining a speed of the vehicle, additional motor vehicle state variables and external variables; device(s) for determining intermediate acceleration values based on the motor vehicle state variables and external state variables; a coordination device that determines a total longitudinal acceleration; and a controller that actuates the motor based on the total

Amendment

09/341,109

longitudinal acceleration.

It is submitted that none of the cited references teach, suggest or disclose, either alone or in combination, the embodiment recited in claim 147. For example, as detailed above, both Fritz and Hatori et al., either alone or in combination, fail to disclose or suggest determining a longitudinal acceleration based on intermediate acceleration values that are determined based on determined motor vehicle state variables and external variables.

The Applicants respectfully submit that claim 147 is patentable over the cited references. Claims 148-155 and 168-179 depend from claim 147 and therefore are submitted to be patentable over the prior art for at least the same reasons and for the further features recited therein.

Amendment

09/341,109


**CONCLUSION**

For the foregoing reasons, Applicants respectfully submit that claims 138-179 are in condition for allowance. Accordingly, early allowance of claims 138-179 is earnestly submitted. Furthermore, because withdrawn claims 180-274 depend, directly or indirectly, from either claim 138 or 147, the allowance of claims 138 and 147 would also render these claims allowable. Also, claims 138-155 were indicated as being generic claims and allowance of these claims requires a rejoinder of the withdrawn claims. Therefore, early allowance of claims 180-274 is earnestly submitted.

If the Examiner believes that a conference would be of value in expediting the prosecution of the Application, the Examiner is hereby invited to contact the undersigned agent to set up such conference.

Applicants believe no additional fees are due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2570, under Order No. AP8899 from which the undersigned is authorized to draw.

Respectfully submitted,

  
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